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Transcript of Travis Burnett, Corporate Designee & Individually

Date: April 12, 2024

Case: USA Football, Inc. -v- FFWCT, LLC, et al.

Planet Depos

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Transcript of Travis Burnett, Corporate Designee & Individually 1 (1 to 4)
Conducted on April 12, 2024

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

USA FOOTBALL, INC.,
Plaintiff,
VS.
FFWCT, LLC; USA FLAG, LLC;
AND TRAVIS BURNETT,
Defendants.

CIVIL ACTION NOS.:
4:23-CV-00465
and 4:23-CV-00561-ALM

ORAL AND VIDEOTAPED DEPOSITION OF
FFWCT, LLC AND USA FLAG, LLC
BY AND THROUGH ITS DESIGNATED REPRESENTATIVE
TRAVIS BURNETT
APRIL 12, 2024

ORAL AND VIDEOTAPED DEPOSITION OF TRAVIS BURNETT,
produced as a witness at the instance of the Plaintiff,
and duly sworn, was taken in the above-styled and
numbered cause on April 12, 2024, from 9:13 a.m. to
5:41 p.m., before Kim A. McCann, CSR in and for the State
of Texas, reported by machine shorthand, at the offices
of Scheef & Stone, LLP, 2600 Network Blvd., Suite 400,
Frisco, Texas, pursuant to the Federal Rules of Civil
Procedure.

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<p>17</p> <p>1 Q. What goals have you seen achieved?</p> <p>2 What do you mean by that?</p> <p>3 A. I mean, getting the sport getting</p> <p>4 into the Olympics -- not to say that we got it</p> <p>5 there -- the sport getting into the Olympics was</p> <p>6 a goal -- a major goal. I've written articles</p> <p>7 about it. That was something that we viewed as a</p> <p>8 way for the players to see the sport reach its</p> <p>9 potential from a standpoint of not being viewed</p> <p>10 as just a hyper recreational, you know,</p> <p>11 after-school activity or something.</p> <p>12 We've also achieved goals as far as</p> <p>13 numbers, you know, at our tournaments as far as</p> <p>14 sponsors and, you know, brands getting involved,</p> <p>15 so really in multiple aspects.</p> <p>16 Q. You mentioned that you used to play.</p> <p>17 Did you play recreationally?</p> <p>18 A. I still play, actually, and not as</p> <p>19 well. But I just love the game and, yeah, I</p> <p>20 played recreationally. I played at the national</p> <p>21 level. I -- I've played at all levels.</p> <p>22 Q. What does at the national level mean?</p> <p>23 A. So the way we kind of use that is</p> <p>24 there's locally we have usually leagues or local</p> <p>25 tournaments and kind of local base of players,</p>	<p>19</p> <p>1 separate sport, and I see it as unique and</p> <p>2 independent and set of -- different set of rules,</p> <p>3 different athletes that are good at it, different</p> <p>4 equipment. So I agree that it is a part of</p> <p>5 football, just like other sports, but that it has</p> <p>6 its own definition.</p> <p>7 Q. When did you start thinking about</p> <p>8 getting into the flag football business?</p> <p>9 A. Directly out of college. So I</p> <p>10 graduated in -- excuse me, I did not graduate --</p> <p>11 I left college in 2006 from Texas A&M, and my</p> <p>12 wife graduated, we moved back to Allen. I had</p> <p>13 always been heavily involved in flag football</p> <p>14 intramurals at our university, and I got</p> <p>15 immediately involved in flag football.</p> <p>16 I had actually gotten reached out</p> <p>17 from a local organizer here in Dallas and pretty</p> <p>18 much immediately started helping with flag</p> <p>19 football tournaments in leagues right out the</p> <p>20 gate, you know, for the last 20 years. I didn't</p> <p>21 in -- get involved professionally again until we</p> <p>22 started this company.</p> <p>23 Q. Was there any particular reason why</p> <p>24 you didn't graduate from A&M?</p> <p>25 A. Yeah. I just didn't find a degree</p>
<p>18</p> <p>1 and then teams will travel to national events</p> <p>2 where they see higher levels of competition and</p> <p>3 really the top competition in the nation or the</p> <p>4 world or the region, and it just enhances that.</p> <p>5 Q. Were you on the USA Football National</p> <p>6 Team?</p> <p>7 A. No, ma'am, I was not. I was not good</p> <p>8 enough.</p> <p>9 Q. Just -- so you played on -- at events</p> <p>10 that drew from players from throughout the</p> <p>11 country?</p> <p>12 A. Yes, ma'am, like club level</p> <p>13 tournament teams. Just you put together your own</p> <p>14 teams but high competition.</p> <p>15 Q. Who did you play for before you were</p> <p>16 a tournament operator yourself?</p> <p>17 A. I still technically played for them.</p> <p>18 I played for many teams. You -- we've -- I</p> <p>19 bounced around and played for all kinds but not</p> <p>20 for higher. One of my local teams that we still</p> <p>21 travel and play in tournaments with.</p> <p>22 Q. Do you -- do you agree that flag</p> <p>23 football is a subset of football?</p> <p>24 A. I think a lot of people would view it</p> <p>25 that way. I personally view it as a completely</p>	<p>20</p> <p>1 that I liked. I originally wanted to be a high</p> <p>2 school football coach. My grandpa was kind of a</p> <p>3 legend of a coach here in Texas and -- but then I</p> <p>4 started getting into creative and A&M didn't have</p> <p>5 a creative degree at the time. And I had started</p> <p>6 doing website design, graphic design, started</p> <p>7 doing that on the side creating flag football</p> <p>8 playbooks, actually selling them on eBay, making</p> <p>9 some money while I was in college.</p> <p>10 And my wife graduated early. She was</p> <p>11 the overachiever. I didn't really see a need to</p> <p>12 stick around and spend money for a degree I</p> <p>13 didn't know that I needed, so went and made my</p> <p>14 own way.</p> <p>15 Q. When you were making your own way in</p> <p>16 that time period, were you working for something</p> <p>17 called MiHi?</p> <p>18 A. MiHi Creative. Not yet.</p> <p>19 Q. Okay.</p> <p>20 A. That is my personal brand that we</p> <p>21 developed -- I wouldn't even be able to tell</p> <p>22 you -- 15 years or so ago. Shortly after,</p> <p>23 though. It was probably five years after I</p> <p>24 graduated. Originally I didn't have my own</p> <p>25 brand, it was a hobby, but then I did end up</p>

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<p>21</p> <p>1 creating our own creative agency.</p> <p>2 Q. During that period where it was a</p> <p>3 hobby, were you like contracted by folks, or you</p> <p>4 were literally just making stuff and, as you</p> <p>5 said, selling it on eBay or doing other things</p> <p>6 just to be creative?</p> <p>7 A. A little bit of both. A little bit</p> <p>8 of everything. But it was a highly -- more of a</p> <p>9 hobby. I did take on a couple of jobs, but I was</p> <p>10 working for creative companies as well. And then</p> <p>11 I created my own company.</p> <p>12 Q. Okay. What's MiHi stand for?</p> <p>13 Anything?</p> <p>14 A. Made In His Image.</p> <p>15 Q. Okay.</p> <p>16 A. So it's a spiritual meaning --</p> <p>17 Q. Yeah. Okay.</p> <p>18 A. -- of a creative, the ultimate</p> <p>19 creator.</p> <p>20 Q. I love to ask about business names</p> <p>21 because sometimes they're something interesting.</p> <p>22 A. There is a purpose to it.</p> <p>23 Q. So how long did MiHi -- MiHi?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. How long did MiHi last?</p>	<p>23</p> <p>1 wanted to make it better. We both just had a</p> <p>2 love for flag football. So we started talking</p> <p>3 about ways, like, what do we want to do in the</p> <p>4 sport, and we came up with some ideas. We</p> <p>5 created an LLC. I believe that was August 2015,</p> <p>6 which was the Flag Football World Championship</p> <p>7 Tour. And we hit the ground running. On our</p> <p>8 initial goal was to create sponsorships for</p> <p>9 tournaments that existed already in the space.</p> <p>10 Q. And the August 2015 LLC was in</p> <p>11 Indiana; is that correct?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay. And so then you said initially</p> <p>14 you were doing sponsorships, and then what?</p> <p>15 A. Initially we were not running our own</p> <p>16 events. We had -- we were playing in them. We</p> <p>17 would go to the tournaments, we would find them</p> <p>18 sponsors, which was the main draw, that's why we</p> <p>19 called it the World Championship Tour. They --</p> <p>20 we packaged multiple tournaments together into a</p> <p>21 tour, and we invited sponsors to attend, which</p> <p>22 was better to attend a group of multiple big</p> <p>23 tournaments in -- whereas individually they were</p> <p>24 struggling to get that kind of attention.</p> <p>25 And we would go, we would play. And</p>
<p>22</p> <p>1 A. It's still technically in existence.</p> <p>2 I don't bring on too many active or advertise for</p> <p>3 clients because we do that more in -- I use my</p> <p>4 skills more in-house for our current project.</p> <p>5 But it is still active.</p> <p>6 Q. At what point did you connect with</p> <p>7 Mr. Davis?</p> <p>8 A. 2015.</p> <p>9 Q. And that's when he found you on a</p> <p>10 blog and called you and you had the best day of</p> <p>11 bromance ever?</p> <p>12 A. Yes, ma'am. And, in fact, I feel</p> <p>13 like the story grows every time. But essentially</p> <p>14 he called me just out of the blue. I was running</p> <p>15 a flag football content blog, strategies and</p> <p>16 plays just like I've been -- done for many years</p> <p>17 and wanted to advertise his -- a tournament.</p> <p>18 We had never connected before, but we</p> <p>19 essentially had a long phone call. Whether it</p> <p>20 was an hour, two hours, five hours, I don't know,</p> <p>21 it grows. But that was the start of our</p> <p>22 relationship, and we very immediately hit it off.</p> <p>23 We had developed some good chemistry</p> <p>24 in our love for the sport and what we wanted do</p> <p>25 and what we saw the deficiencies and where we</p>	<p>24</p> <p>1 then shortly after we realized, A, a lot of</p> <p>2 people were asking us to, you know, run our own</p> <p>3 events, and -- and then, B, we need a little bit</p> <p>4 more control for our sponsors' sake in just the</p> <p>5 events themselves.</p> <p>6 And so we ran our first event in</p> <p>7 Dallas, and I believe that was August of 2016.</p> <p>8 And then we ran a tournament in Foley, Alabama,</p> <p>9 our first traveling tournament in October of</p> <p>10 2016. And then we put our first major tournament</p> <p>11 on the map for May of the next year, which can</p> <p>12 kind of where we took off where we had 225 teams</p> <p>13 at our first big cash-prize event in Florida.</p> <p>14 Q. And I think is that the event that</p> <p>15 Chuck described having lots of tears?</p> <p>16 A. Yes. I've never been as stressed out</p> <p>17 as I was at that one. We -- we were very much</p> <p>18 new and didn't know really the behind the scenes</p> <p>19 what we were getting into at the time. And it</p> <p>20 was an eye opener, yes, ma'am. But it was a</p> <p>21 success as well in our players' eyes, and it</p> <p>22 really propelled us into space.</p> <p>23 Q. Today what are the -- what are the</p> <p>24 roles generally as between you and Mr. Davis in</p> <p>25 USA Flag or FFWCT?</p>

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<p>57</p> <p>1 talking about Andy Fuller; correct?</p> <p>2 A. That specific -- the specific</p> <p>3 interaction, yes, ma'am.</p> <p>4 Q. Okay. And just to make sure I'm</p> <p>5 clear, the -- the concern that you have around</p> <p>6 IFAF membership is, is it that there's just one</p> <p>7 per country? Is that what you don't like?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Or it's that USA Football is the</p> <p>10 member?</p> <p>11 A. Neither. If they deem USA Football</p> <p>12 the member, then -- and they have, then that's</p> <p>13 totally fine. All I'm saying is I think that</p> <p>14 there should be a way to analyze other</p> <p>15 organizations -- I don't know why this applies --</p> <p>16 but who also fit the criteria at some point.</p> <p>17 Q. You'd like to have a run at competing</p> <p>18 for the membership?</p> <p>19 A. We'd like to be a part of -- with</p> <p>20 what you guys are doing, but if they -- if two</p> <p>21 organizations -- if an organization working</p> <p>22 through another organization doesn't work, even</p> <p>23 though it has in the past, then, yeah, we would</p> <p>24 love to be considered for progressing the sport</p> <p>25 as the official NGB if they deem it -- you know,</p>	<p>59</p> <p>1 A. This appears to be the proposal that</p> <p>2 we sent USA Football in 2017 for our partnership,</p> <p>3 I believe.</p> <p>4 Q. And what was the partnership going to</p> <p>5 be as you proposed it?</p> <p>6 A. The creation of the entity that we'd</p> <p>7 envision being the forefront of flag football</p> <p>8 with USA Football's support.</p> <p>9 Q. What do you mean by forefront?</p> <p>10 A. Being the organization that is the</p> <p>11 face of flag football.</p> <p>12 Q. So on the second page of the deck</p> <p>13 where it says, Create the nationally recognized</p> <p>14 United States flag football governing body.</p> <p>15 Do you see that?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Did you believe at this time in 2017</p> <p>18 that there was no such body?</p> <p>19 A. Specifically, yes, ma'am.</p> <p>20 Q. Why did you believe that?</p> <p>21 A. Because there wasn't for the specific</p> <p>22 sport of flag football, which we -- I've</p> <p>23 mentioned we believe is a completely different</p> <p>24 sport than football. And currently there is a</p> <p>25 governing body for the sport of football, and</p>
<p>58</p> <p>1 us worthy.</p> <p>2 Q. Have you communicated to Andy Fuller</p> <p>3 or IFAF your views about this lack of fairness in</p> <p>4 their membership process?</p> <p>5 A. I don't believe so.</p> <p>6 Q. Have you threatened to sue them?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Have you thought about suing them?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Okay. We're going to look at an</p> <p>11 exhibit that we looked at yesterday with</p> <p>12 Mr. Davis, and that's 27.</p> <p>13 A. Okay.</p> <p>14 Q. That's next on your pile. This a</p> <p>15 FFWCT 5927. This is a final presentation sent</p> <p>16 July 18, 2017, from you to Chuck, and the</p> <p>17 attachment is a USA Flag Proposal.</p> <p>18 MR. HAYNES: What exhibit number is</p> <p>19 that again?</p> <p>20 MS. RICCHIUTO: Oh, I'm sorry. It's</p> <p>21 27.</p> <p>22 MR. HAYNES: I think you said it, I</p> <p>23 just missed it.</p> <p>24 MS. RICCHIUTO: Yep, no problem.</p> <p>25 Q. What is this, Travis?</p>	<p>60</p> <p>1 they lump flag football underneath that umbrella.</p> <p>2 We had made the pitch to USA Football we see flag</p> <p>3 football is completely different than tackle,</p> <p>4 different players, different rules, different</p> <p>5 everything that we've talked about. So let's</p> <p>6 develop a body that specializes in flag while</p> <p>7 there's also a body that specializes in tackle.</p> <p>8 That was our pitch.</p> <p>9 Q. But so when we're talking about this</p> <p>10 governing body concept, you and Mr. Davis had a</p> <p>11 thought that -- and you've both told me about</p> <p>12 it -- that flag football is a different sport;</p> <p>13 right?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Does the USOC -- USOPC RSO process</p> <p>16 recognize flag football as separate from</p> <p>17 football?</p> <p>18 A. I don't know either way.</p> <p>19 Q. Does the IFAF American football</p> <p>20 concept include flag football?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. So the two -- the two entities</p> <p>23 that are responsible for designating members or</p> <p>24 governing body view flag football as part of</p> <p>25 football.</p>

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<p>61</p> <p>1 Do you agree with that?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. You two see it differently; correct?</p> <p>4 A. No. We see it as it -- it is using a</p> <p>5 football but as a completely different set of</p> <p>6 sport and rules.</p> <p>7 Q. Right. Thank you. You -- you</p> <p>8 wouldn't do it the way that IFAF and -- and USOPC</p> <p>9 do it, do I take that to be your testimony? You</p> <p>10 would have --</p> <p>11 A. No.</p> <p>12 Q. -- a governing body for football and</p> <p>13 you would have a governing body for flag. Agree?</p> <p>14 A. I believe so, yes, ma'am.</p> <p>15 Q. And you would have an IFAF member for</p> <p>16 football and you would have an IFAF member for</p> <p>17 flag; is that correct?</p> <p>18 A. I believe so, yes.</p> <p>19 Q. You agree that's not the way that it</p> <p>20 works?</p> <p>21 A. Currently, yes, ma'am.</p> <p>22 Q. Okay. So your belief in 2017, or at</p> <p>23 any time, that USA Football isn't the governing</p> <p>24 body for flag football derives from your view,</p> <p>25 shared not by USOPC or IFAF but just by you and</p>	<p>63</p> <p>1 football?</p> <p>2 A. I don't know what -- that has any</p> <p>3 bearing on what the USOPC believes if flag and</p> <p>4 football are different. I don't know. I don't</p> <p>5 know that they've had anybody else that's come in</p> <p>6 and offered opportunity to be an RSO or -- or a</p> <p>7 governing body that was specific to flag. I --</p> <p>8 from what I've understood, there hasn't been. So</p> <p>9 that's all we've set out to do is say flag is a</p> <p>10 different sport.</p> <p>11 Q. And you think the USOPC, that just</p> <p>12 never occurred to them?</p> <p>13 A. That flag is a different sport?</p> <p>14 Q. Correct.</p> <p>15 A. No. What I'd specifically just said</p> <p>16 is I don't believe that an organization has</p> <p>17 presented itself that does flag specifically that</p> <p>18 they could recognize.</p> <p>19 Q. Well, it recognizes USA Football;</p> <p>20 right?</p> <p>21 A. As an RSO.</p> <p>22 Q. For flag football?</p> <p>23 A. Sure. I don't know. I don't know if</p> <p>24 they do flag football or tackle or both or all of</p> <p>25 the above. But don't -- I also do know from</p>
<p>62</p> <p>1 Mr. Davis, that flag football should be distinct;</p> <p>2 is that correct?</p> <p>3 A. No. I don't believe your entire</p> <p>4 statement is correct. I don't believe that</p> <p>5 that's shared by the USOPC that I'm aware of. Do</p> <p>6 you -- are you aware of them having that opinion?</p> <p>7 I don't know how to --</p> <p>8 MR. HAYNES: You don't get to ask</p> <p>9 questions.</p> <p>10 A. Well, I don't know -- I don't know --</p> <p>11 I mean -- yeah. So, no, I don't believe that</p> <p>12 that whole statement is true personally.</p> <p>13 Q. You don't believe that the USOPC</p> <p>14 deems USA Football the RSO for flag football?</p> <p>15 A. I believe that's a completely</p> <p>16 separate question. I don't know -- I do believe</p> <p>17 that USA Football is the RSO of the USOPC. I</p> <p>18 don't believe that that has any bearing on your</p> <p>19 previous comment about them believing that flag</p> <p>20 and football are not different sports. I don't</p> <p>21 know what they believe.</p> <p>22 Q. You don't know what USOPC believes?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. So you don't know one way or</p> <p>25 another whether their RSO status encompasses flag</p>	<p>64</p> <p>1 USOPC directly that RSO is a completely separate</p> <p>2 program than a national governing body and not</p> <p>3 the same program.</p> <p>4 Q. What I'm trying to understand is in</p> <p>5 2017 you presented the opportunity, as it says on</p> <p>6 5929, to create the nationally recognized United</p> <p>7 States flag football governing body.</p> <p>8 And I want to know whether you</p> <p>9 believed in 2017 that there was no such thing?</p> <p>10 A. As a flag football-specific governing</p> <p>11 body?</p> <p>12 Q. Or any governing body that covered</p> <p>13 flag football already.</p> <p>14 A. I -- I didn't say I don't believe</p> <p>15 that. I do believe that USA Football was</p> <p>16 currently included in that with flag football,</p> <p>17 but I believe they didn't have a flag football</p> <p>18 development program. So we pitched them</p> <p>19 USA Flag to develop the sport with -- under their</p> <p>20 umbrella because they did have the accreditation</p> <p>21 with us powering it.</p> <p>22 Q. Okay. So the -- the program question</p> <p>23 is a different question than whether you believed</p> <p>24 or understood that USA Football at that time was</p> <p>25 the governing body for football, which included</p>

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<p>65</p> <p>1 flag.</p> <p>2 A. What -- what's --</p> <p>3 Q. Did you know that to be true in 2017?</p> <p>4 A. Can you rephrase the question so --</p> <p>5 again.</p> <p>6 MR. HAYNES: Still knows --</p> <p>7 MS. RICCHIUTO: Everybody's off.</p> <p>8 MR. HAYNES: Doesn't matter.</p> <p>9 THE WITNESS: Yeah.</p> <p>10 Q. In 2017 did you know whether or not</p> <p>11 USA Football was the RSO?</p> <p>12 A. I did not.</p> <p>13 Q. So you did not know whether or not</p> <p>14 the USOPC had recognized USA Football as a</p> <p>15 governing body for flag football -- you did not</p> <p>16 know one way or another; is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. What happened as a result of</p> <p>19 this pitch?</p> <p>20 A. Essentially my recollection of our</p> <p>21 meeting was everything went really well. They</p> <p>22 did express that they didn't think they -- they</p> <p>23 would want to do this underneath a third-party</p> <p>24 brand like USA Flag. They specifically said they</p> <p>25 wanted to do it in-house, and they said let's</p>	<p>67</p> <p>1 time were the USA Flag brand?</p> <p>2 A. Right. Because we already had a Flag</p> <p>3 Football World Champ -- Championship Tour brand,</p> <p>4 so this was already talking about taking what</p> <p>5 we'd already built and building it under USA Flag</p> <p>6 with partnership from USA Football if they are</p> <p>7 willing to do that.</p> <p>8 Q. So if you already had a Flag Football</p> <p>9 World Championship Tour brand, why didn't you</p> <p>10 come to USA Football with this pitch under Flag</p> <p>11 Football World Championship Tour?</p> <p>12 A. Because this is how we'd envisioned</p> <p>13 USA Flag. This is the brand. This is more</p> <p>14 representative of what the -- the scope of this</p> <p>15 project would encompass. Currently the Flag</p> <p>16 Football World Championship Tour was a tournament</p> <p>17 marketing organization. This is much more in</p> <p>18 depth into developing the sport in the</p> <p>19 United States, National Team, membership. All</p> <p>20 the things that we'd envisioned doing for our</p> <p>21 sport, we wanted to do with USA Football.</p> <p>22 Q. Why couldn't you do those under Flag</p> <p>23 Football Championship World Tour --</p> <p>24 A. We could.</p> <p>25 Q. -- or World Championship Tour.</p>
<p>66</p> <p>1 talk about a lot of these concepts but working</p> <p>2 with them to do it separately.</p> <p>3 Q. Mr. Davis mentioned yesterday in</p> <p>4 connection with this exhibit something about the</p> <p>5 potential for USA Football to acquire the</p> <p>6 USA Flag brand.</p> <p>7 Was that a conversation that took</p> <p>8 place at that time?</p> <p>9 A. I believe we did have some initial</p> <p>10 conversations. I don't really recall if there</p> <p>11 was anything put to paper on it or anything.</p> <p>12 Q. What was -- what existed that</p> <p>13 constituted the USA Flag brand in 2017?</p> <p>14 A. In 2017 it was minimal. It was just</p> <p>15 the actual creative assets for the most part as</p> <p>16 far as what we had created for USA Flag</p> <p>17 specifically.</p> <p>18 Q. Is that the logo?</p> <p>19 A. The logo was one of them.</p> <p>20 Q. What else?</p> <p>21 A. I believe the pitch decks and just</p> <p>22 general, you know, brand guidelines and some</p> <p>23 stuff that we had probably not on paper but --</p> <p>24 and beyond that, more just concepts.</p> <p>25 Q. So your ideas essentially at that</p>	<p>68</p> <p>1 You could have?</p> <p>2 A. We could have.</p> <p>3 Q. You decided come to USA Football with</p> <p>4 a USA Flag concept instead; correct?</p> <p>5 A. We -- we were actively doing this and</p> <p>6 moving towards this as FFWCT while we came to</p> <p>7 USA Football with this pitch to partner, yes,</p> <p>8 ma'am.</p> <p>9 Q. You were actively doing what?</p> <p>10 A. Working towards these same goals</p> <p>11 underneath our own organization.</p> <p>12 Q. Was it going to be an either/or?</p> <p>13 A. No, ma'am.</p> <p>14 Q. So if USA Football had said, Yes,</p> <p>15 let's have USA Flag, you can power it, would</p> <p>16 FFWCT also have been working toward the goals</p> <p>17 described in this deck?</p> <p>18 A. Oh, no. If they said that they would</p> <p>19 have been on board with powering this, then I</p> <p>20 believe we would probably gone away from the</p> <p>21 FFWCT brand altogether at that point, and it</p> <p>22 would have all been USA Flag. That was our goal</p> <p>23 from the very beginning was to move it under</p> <p>24 USA Flag once our objectives and what we do was</p> <p>25 an accurate description of our brand to be</p>

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<p>69</p> <p>1 USA Flag.</p> <p>2 Q. What was important about the name</p> <p>3 USA Flag? Why do you say it describes it better?</p> <p>4 A. Because to us it represents exactly</p> <p>5 what our company does. We are a governing body</p> <p>6 for the sport of flag football in that we, by</p> <p>7 definition, dictate the rules and competition of</p> <p>8 our constituents, which is about 10,000 athletes</p> <p>9 that annually participate in our events.</p> <p>10 And so from that, we check almost</p> <p>11 every box of a definition of what a typical</p> <p>12 governing body would be. And in most sports, by</p> <p>13 precedent there's multiple governing bodies.</p> <p>14 There's lots of organizations that have their own</p> <p>15 set of players, participants, whatever.</p> <p>16 Now, some of them -- one of them will</p> <p>17 become officially certified by the USOPC as a</p> <p>18 national governing body. That is where we knew</p> <p>19 USA Football was already in that lane. So at</p> <p>20 that point, all we knew is that they were working</p> <p>21 with IFAF. We didn't know their relationship</p> <p>22 with the USOPC.</p> <p>23 But this was an attempt to merge all</p> <p>24 that underneath one umbrella of USA Flag with us</p> <p>25 operating it and them powering it so they did not</p>	<p>71</p> <p>1 depends on are you the number one governing body,</p> <p>2 we're not making claims to any of that. But a</p> <p>3 governing, by definition, yes, I believe it is</p> <p>4 the organization that dictates the rules and</p> <p>5 competition of their constituents.</p> <p>6 Q. Who else shares your belief about</p> <p>7 what the definition of a governing body is?</p> <p>8 A. I can only go by what the actual</p> <p>9 definition is in the dictionary, I would suppose,</p> <p>10 so Webster. I don't know.</p> <p>11 Q. Is that where the common consent of</p> <p>12 constituents language comes from?</p> <p>13 A. No, ma'am. I believe that's an -- an</p> <p>14 addition probably from my own words. I'm not</p> <p>15 quoting it. But I do know that it is -- I would</p> <p>16 think that the definition that I've read says</p> <p>17 something to the effect of being a governing body</p> <p>18 is an organization that controls the rules and</p> <p>19 competition of their sport.</p> <p>20 Q. So from that perspective, the words</p> <p>21 "governing body" can be used by anybody who</p> <p>22 thinks they are a governing body.</p> <p>23 Do you agree with that?</p> <p>24 A. I do.</p> <p>25 Q. And that includes you?</p>
<p>70</p> <p>1 have to go out and create it on their own.</p> <p>2 Q. Who decides who becomes a governing</p> <p>3 body for a sport?</p> <p>4 A. I believe it's the common consent of</p> <p>5 their constituents.</p> <p>6 Q. So do you believe that players who</p> <p>7 sign up to play in a USA Flag tournament are</p> <p>8 consenting to be governed by USA Flag?</p> <p>9 A. Yes.</p> <p>10 Q. How do you know that they -- what --</p> <p>11 what's the basis for that belief?</p> <p>12 A. Because we have waivers where they</p> <p>13 agree to abide by our rules and our standards and</p> <p>14 they sign them. And every time they attend our</p> <p>15 tournament, we have those posted online. And we</p> <p>16 do dictate the rules. We do dictate the</p> <p>17 officiating. Those are things that we do for the</p> <p>18 events that we run, so the participants that</p> <p>19 participate in our events, they are governed by</p> <p>20 those.</p> <p>21 Q. And that's -- having rules makes you</p> <p>22 a governing body, is that your understanding?</p> <p>23 A. No. It's dictating the level of</p> <p>24 rules and competition that others use and abide</p> <p>25 by, I think, makes you a governing body. It</p>	<p>72</p> <p>1 A. That includes me.</p> <p>2 Q. I have a new exhibit for you. I'm</p> <p>3 sorry this isn't in color, but I think you can</p> <p>4 probably remember that it used to be red.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Or is red in real life other</p> <p>7 than in this room. This is Exhibit 87.</p> <p>8 (Exhibit 87 was marked.)</p> <p>9 Q. I think it may have been an</p> <p>10 attachment that was produced to us without a</p> <p>11 Bates number. But this is a Business Plan</p> <p>12 Proposal for USA Football presented by</p> <p>13 Travis Burnett and Charles Davis dated July 24,</p> <p>14 2017.</p> <p>15 Have you seen this before, Travis?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And what is this?</p> <p>18 A. This appears to be the -- one of the</p> <p>19 business plans or maybe the official one that we</p> <p>20 presented to USA Football in -- in person, I'm</p> <p>21 assuming, or --</p> <p>22 Q. How --</p> <p>23 A. -- one of the ones.</p> <p>24 Q. Well, that's what I was going to ask.</p> <p>25 So we were looking at a presentation, a deck that</p>

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<p style="text-align: right;">93</p> <p>1 got fired. I do remember they were hired, so I</p> <p>2 think someone left or they might have never been</p> <p>3 there and they were trying to fill a spot to be</p> <p>4 the point of contact. I cannot recall.</p> <p>5 Q. Did they ultimately fill that spot?</p> <p>6 A. I believe so.</p> <p>7 Q. With whom?</p> <p>8 A. I'm assuming that's what Eric Mayes'</p> <p>9 role ended up being because he did come into the</p> <p>10 equation at the very end of our contract.</p> <p>11 Q. Okay. And then the contract ended,</p> <p>12 and was there any conversation about keeping the</p> <p>13 relationship going?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. What was the nature of that</p> <p>16 conversation?</p> <p>17 A. Originally it was supposed to be a</p> <p>18 multiyear deal and we -- and we were anticipating</p> <p>19 that it would be renewed as an option. It wasn't</p> <p>20 a guaranteed. It wasn't in contract. So -- but</p> <p>21 they ultimately decided not the renew it. They</p> <p>22 did ask us to stay on and continuing fulfilling</p> <p>23 that contract without compensation and we</p> <p>24 declined.</p> <p>25 Q. Say more about that.</p>	<p style="text-align: right;">95</p> <p>1 football was ever going to get included.</p> <p>2 Q. Because you didn't think tackle could</p> <p>3 get included?</p> <p>4 A. Because I knew it couldn't get</p> <p>5 included.</p> <p>6 Q. Why not?</p> <p>7 A. Because it doesn't fit the bill</p> <p>8 for -- it has too many athletes and it's too</p> <p>9 much -- it's too much wear and tear on your body</p> <p>10 in a short span. There's are other precedence in</p> <p>11 other sports, such as rugby where they had to go</p> <p>12 to rugby 7s, kind of a smaller format and with</p> <p>13 less players and a different style to make it</p> <p>14 work.</p> <p>15 So there's other precedent in other</p> <p>16 sport for how our sport would get into the</p> <p>17 Olympics, so I wrote an article about just that.</p> <p>18 Q. Why was that an interest of yours to</p> <p>19 have flag in the Olympics?</p> <p>20 A. Just passion. I love the players. I</p> <p>21 love the sport. I mean, who doesn't want to be</p> <p>22 associated with getting into the Olympics.</p> <p>23 There's -- there's -- obviously the Olympics are</p> <p>24 what they are. They're an aspiration. So that</p> <p>25 was what I wanted to do.</p>
<p style="text-align: right;">94</p> <p>1 A. Basically the first conversation I</p> <p>2 had with Eric Mayes was him saying we -- we're</p> <p>3 not going to pay you a contract, but we still</p> <p>4 want you to honor what you're doing for us in the</p> <p>5 sanctioning events. We want you to sanction your</p> <p>6 events which help promote our events, we just</p> <p>7 can't afford to pay you. And so we declined.</p> <p>8 Q. Was there -- so in your estimation,</p> <p>9 there wasn't enough benefit from having whatever</p> <p>10 that relationship would have been to do it for</p> <p>11 free?</p> <p>12 A. For us, correct, yes, ma'am.</p> <p>13 Q. Okay. Was there any talk back during</p> <p>14 this time frame about flag making its way into</p> <p>15 the Olympics?</p> <p>16 A. With USA Football specifically?</p> <p>17 Q. At all.</p> <p>18 A. Yes. I wrote an article about it</p> <p>19 actually in -- during this time frame.</p> <p>20 Q. As a consultant for USA Football or</p> <p>21 on your own?</p> <p>22 A. On my own for my FlagSpin blog.</p> <p>23 Q. Saying what?</p> <p>24 A. Just that the pathway to the Olympics</p> <p>25 was through flag football if our sport of</p>	<p style="text-align: right;">96</p> <p>1 Q. And flag is in the Olympics now or</p> <p>2 will be; correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Do you feel like you're associated</p> <p>5 with that?</p> <p>6 A. I feel like we had a role in its</p> <p>7 ability to get into the Olympics, I do.</p> <p>8 Q. In what way?</p> <p>9 A. By driving the level of competition</p> <p>10 for the National Team program that they didn't</p> <p>11 have. The US when -- they have a role in the</p> <p>12 2020 Olympics of nominating and selecting sports</p> <p>13 they want to see. So the US, because it's hosted</p> <p>14 in LA in 2028, they have a role in picking sports</p> <p>15 they want to see in there. That, in part, is</p> <p>16 based on whether or not they feel like we can win</p> <p>17 the gold medal.</p> <p>18 And prior to us getting involved,</p> <p>19 that was not nearly as realistic. And in 2028</p> <p>20 whenever the USA Football -- whenever we went to</p> <p>21 them to basically pitch them on us helping them</p> <p>22 make their National Team better by providing flag</p> <p>23 football players instead of tackle players and</p> <p>24 coaching, we took off from there.</p> <p>25 And that basically assisted the sport</p>

Transcript of Travis Burnett, Corporate Designee & Individually 25 (97 to 100)
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97	<p>1 in becoming more recognized because we were</p> <p>2 dominant at that point. And I do believe that</p> <p>3 that helped the NFL and the USOPC and everybody</p> <p>4 else -- I don't know for sure, I just -- but I do</p> <p>5 believe we had a role in -- a small role -- yes,</p> <p>6 USA Football did, too, I'm not taking anything</p> <p>7 away from them -- in our sport getting Olympic</p> <p>8 status.</p> <p>9 Q. When you say there wouldn't have been</p> <p>10 an opportunity for a US team to get a gold medal</p> <p>11 without your tournament series or without your</p> <p>12 involvement, why is that?</p> <p>13 A. I don't believe that's what I said.</p> <p>14 But I believe what I said was without us they had</p> <p>15 struggled. And that's true, they weren't winning</p> <p>16 gold medals and they had not won a men and a</p> <p>17 women's gold medal in the same year, as far as I</p> <p>18 know, ever. I'm not -- don't quote me on that.</p> <p>19 But they were not consistently</p> <p>20 dominant. And the year we came onboard, they won</p> <p>21 both gold medals, and then they one both gold</p> <p>22 medals the next two years later. And then I</p> <p>23 believe this last year, they only one, but they</p> <p>24 are still dominant. They won a silver. So</p> <p>25 before that, they weren't.</p>	99	<p>1 and our players to select a team that actually</p> <p>2 knows the sport of flag football to go compete.</p> <p>3 Q. The -- the years that you said</p> <p>4 there's been double gold, double gold, and then</p> <p>5 one gold --</p> <p>6 A. I believe that was correct.</p> <p>7 Q. -- were you involved in the selection</p> <p>8 process for the National Team in all of those</p> <p>9 years?</p> <p>10 A. I was not directly involved in the</p> <p>11 selection process. I don't want to make that</p> <p>12 claim. We were involved -- our events were part</p> <p>13 of the selection process, so I did not personally</p> <p>14 select the players. The coaches were involved,</p> <p>15 and those coaches in general were part of our</p> <p>16 staff that we'd helped develop in the sport and</p> <p>17 brought up in the sport. We gave them kind of</p> <p>18 the runway in the sport, and most of them are</p> <p>19 just kind of close friends of mine.</p> <p>20 So we had worked with them intimately</p> <p>21 in 2018. In 2021 because of the COVID year, they</p> <p>22 moved back, they were scouting at our events.</p> <p>23 And in 2023, they had been scouting previously,</p> <p>24 but they weren't currently scouting at our events</p> <p>25 for that team.</p>
98	<p>1 Q. What is it about you coming onboard,</p> <p>2 as you say, that made the gold medals possible?</p> <p>3 A. Because we were aware of their</p> <p>4 selection process, and their selection process on</p> <p>5 the men's and women's side was -- you know, I</p> <p>6 wasn't intimately involved -- but from what we</p> <p>7 were made aware, they were primarily using,</p> <p>8 especially on the women's side, tackle players.</p> <p>9 And it's a very different sport as we've, you</p> <p>10 know, gone over.</p> <p>11 So on the men's side, they basically</p> <p>12 were only using players that could afford to go,</p> <p>13 and they weren't using competitive to traveling</p> <p>14 teams. They weren't playing their way. There</p> <p>15 was a lot of things they hadn't done. So that</p> <p>16 was part of our consultation with them is, you</p> <p>17 know, if the you want the best players, you're</p> <p>18 going to have to pay for them. Like, if they're</p> <p>19 not, then they can't afford them.</p> <p>20 And also we'll run an event, which we</p> <p>21 held in May of 2018 in Arlington, specifically</p> <p>22 for USA Football where we invited all the players</p> <p>23 from all over the country, top players, and we</p> <p>24 invited USA Football to come evaluate them where</p> <p>25 they could use -- work with our -- our coaches</p>	100	<p>1 So there's -- the first two years</p> <p>2 especially when they got on, we were intimately</p> <p>3 involved at least our events were and our players</p> <p>4 and our coaches. I say our player because they</p> <p>5 attend our events and -- well before they</p> <p>6 attended USA Football's. And then they've</p> <p>7 historically carried over most of that roster</p> <p>8 into 2023, but there was a little bit more</p> <p>9 turnover at that point.</p> <p>10 Q. So is it your view currently that the</p> <p>11 very best athletes, the most likely to win gold</p> <p>12 medals, play in your events and not in anybody</p> <p>13 else's?</p> <p>14 A. I don't -- I don't know about if</p> <p>15 they're playing in anybody else's events. But I</p> <p>16 do believe a majority of the teams that are on</p> <p>17 the National Team in 2028 will have mostly gotten</p> <p>18 their level of competition from our events, yes.</p> <p>19 Q. That's just a prediction that you're</p> <p>20 making?</p> <p>21 A. Based on an educated guess that the</p> <p>22 other environment -- of people in our environment</p> <p>23 and in our industry, yes.</p> <p>24 Q. What are the other options for folks</p> <p>25 on Team USA -- we'll use those special words --</p>

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<p>101</p> <p>1 on Team USA for the LA '28 Olympics, other than</p> <p>2 folks that have played through your tournaments,</p> <p>3 where else might members of the Team USA be</p> <p>4 located or sourced?</p> <p>5 A. Where -- source -- so where they --</p> <p>6 where USA -- where USA Football can find the</p> <p>7 players?</p> <p>8 Q. If USA Football's who are -- who is</p> <p>9 responsible for finding players.</p> <p>10 A. In '28, okay.</p> <p>11 Q. They could come to your events and</p> <p>12 look for them; right?</p> <p>13 A. Uh-huh.</p> <p>14 Q. What else could they do?</p> <p>15 A. I mean, they can host their own</p> <p>16 events. They can pull -- I don't know. I can't</p> <p>17 really speculate on what USA Football could do,</p> <p>18 to be honest. But, I mean, I know what we would</p> <p>19 do.</p> <p>20 Q. What would you do?</p> <p>21 A. We would pull them from our events</p> <p>22 almost exclusively.</p> <p>23 Q. Would you look more broadly than</p> <p>24 that?</p> <p>25 A. We would. But I don't believe that</p>	<p>103</p> <p>1 Q. Do you know what this is?</p> <p>2 A. This appears to be a trademark</p> <p>3 application from 2020.</p> <p>4 Q. Okay. So is this a trademark</p> <p>5 application filed by you in -- on February -- or</p> <p>6 excuse me -- April 21, 2020?</p> <p>7 A. That appears to be, yes, ma'am.</p> <p>8 Q. Okay. And I believe that this</p> <p>9 trademark application, whatever the right word</p> <p>10 is, it was abandoned, it didn't come to pass.</p> <p>11 Do you agree with that?</p> <p>12 A. I do.</p> <p>13 Q. Okay. So I don't -- we don't need to</p> <p>14 spend too much time on it, but I do have one</p> <p>15 question -- a couple of questions. This is -- I</p> <p>16 know Mr. Davis yesterday wasn't totally clear. I</p> <p>17 think this is a design mark application.</p> <p>18 A. Yes, ma'am, it is.</p> <p>19 Q. And it's for the mark that's on -- if</p> <p>20 you look at the crawl on the top of the page,</p> <p>21 page 5 of 6, it's for that mark that you were</p> <p>22 filing the application?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Okay. And then on page 6 of 6, you</p> <p>25 have that same mark kind of in the context of a</p>
<p>102</p> <p>1 most of the players that would qualify and have</p> <p>2 the talent level and the experience to play would</p> <p>3 come anywhere from outside of our events. But we</p> <p>4 would -- but we would be open invitation so</p> <p>5 anybody could participate. But I do know where</p> <p>6 our talent resides based on historical, you know,</p> <p>7 evidence.</p> <p>8 Q. What's the cause and what's the</p> <p>9 effect there in your mind, Travis? Is it that</p> <p>10 your events create good players? Is it -- or is</p> <p>11 it that good players happen to play in your</p> <p>12 events?</p> <p>13 A. I think both, for sure.</p> <p>14 MS. RICCHIUTO: Let's take a break.</p> <p>15 THE WITNESS: Okay.</p> <p>16 MS. RICCHIUTO: Surprise everybody.</p> <p>17 THE WITNESS: Okay.</p> <p>18 THE VIDEOGRAPHER: We're off the</p> <p>19 record at 10:48 a.m.</p> <p>20 (Break from 10:48 a.m. to 11:04 a.m.)</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 11:05 a.m. We're back on the record.</p> <p>23 Q. (BY MS. RICCHIUTO) Okay. Travis,</p> <p>24 I'm marking a new exhibit. This is Number 88.</p> <p>25 (Exhibit 88 was marked.)</p>	<p>104</p> <p>1 promotional document, and then this document also</p> <p>2 has USA Football's logo on it in the lower right</p> <p>3 corner.</p> <p>4 Do you see that?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. What was this document?</p> <p>7 A. This document was a flier for a camp</p> <p>8 we were running in 2019, I believe.</p> <p>9 Q. And --</p> <p>10 A. 2020.</p> <p>11 Q. Was this a document that was --</p> <p>12 A. No, it was 2019.</p> <p>13 Q. Sorry.</p> <p>14 A. It was 2019.</p> <p>15 Q. Okay. Is this a document that was --</p> <p>16 is -- this is a USA Flag document as opposed to,</p> <p>17 for example, a document that was generated as a</p> <p>18 result of you being a consultant for</p> <p>19 USA Football?</p> <p>20 A. Correct. This was separate of our</p> <p>21 consultation agreement.</p> <p>22 Q. Okay. Why or how did USA Football's</p> <p>23 logo get on your flier?</p> <p>24 A. Specifically we had reached out to</p> <p>25 USA Football about the NFL Flag program, and at</p>

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<p>109</p> <p>1 Collaboration Agreement between at this -- now</p> <p>2 we've gotten the shortened name, FFWCT and</p> <p>3 USA Football.</p> <p>4 Do you recognize this document?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. What was the point of the Event</p> <p>7 Collaboration Agreement?</p> <p>8 A. At this point this was our second</p> <p>9 agreement where we were more or less discussing</p> <p>10 them -- their ability -- USA Football's ability</p> <p>11 to activate at our events and scout for their</p> <p>12 National Team program primarily.</p> <p>13 Q. How did that go?</p> <p>14 A. I think it went fine. We -- for the</p> <p>15 most part. I mean, they -- we were with each</p> <p>16 other for the first -- I mean, the entire year.</p> <p>17 They wanted to continue scouting at our events,</p> <p>18 we just didn't have a formal agreement after this</p> <p>19 one concluded. And we had our -- we definitely</p> <p>20 had some issues, but I think it was all in all,</p> <p>21 they scouted. They were successful. I think</p> <p>22 both of our -- it was fine otherwise.</p> <p>23 Q. Is this one of the years where they</p> <p>24 got double gold?</p> <p>25 A. This would have been 2021, so I</p>	<p>111</p> <p>1 Across all forms of American football including</p> <p>2 tackle and flag.</p> <p>3 Q. And what did national governing body</p> <p>4 mean to you at this -- we talked about what it</p> <p>5 meant to you in -- in 2017.</p> <p>6 What did -- what did "national</p> <p>7 governing body" mean to you here in 2021?</p> <p>8 A. In 2021 I -- I still did not fully</p> <p>9 understand the qualification needed to become a</p> <p>10 national governing body. And all I knew that</p> <p>11 USA Football had been advertising them self the</p> <p>12 national governing body, so I assumed that it was</p> <p>13 true.</p> <p>14 Q. Does -- at this time in 2021, was</p> <p>15 flag football an Olympic sport?</p> <p>16 A. No, ma'am.</p> <p>17 Q. So there wouldn't have been a</p> <p>18 certified national governing body, do we agree</p> <p>19 about that?</p> <p>20 A. At this time, correct, I would agree.</p> <p>21 Q. Then this paragraph 4 -- 4(c) is the</p> <p>22 paragraph that talks about your -- you're</p> <p>23 stopping using USA Flag during the term of the</p> <p>24 agreement.</p> <p>25 Do you see that?</p>
<p>110</p> <p>1 believe so. I believe this was Israel where</p> <p>2 they -- I think they won double gold.</p> <p>3 Q. And in this agreement there are</p> <p>4 references to the fact that USA Football is the</p> <p>5 governing body.</p> <p>6 Do you remember that?</p> <p>7 A. I don't remember, but if you could</p> <p>8 find it, I --</p> <p>9 Q. Sure. It's on page 690. I should</p> <p>10 have done that to begin with.</p> <p>11 A. Okay.</p> <p>12 Q. Paragraph 4(b), FFWCT acknowledges</p> <p>13 USAFB's role as football's national governing</p> <p>14 body across all forms of American football</p> <p>15 including tackle and flag football.</p> <p>16 A. Okay.</p> <p>17 Q. Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What -- what did you understand that</p> <p>20 provision to mean at this time?</p> <p>21 A. That USA Football was telling us that</p> <p>22 they were the national governing body for</p> <p>23 football.</p> <p>24 Q. Including flag?</p> <p>25 A. Yes, including flag, I would imagine.</p>	<p>112</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. What's your understanding about</p> <p>3 before this agreement was entered whether there</p> <p>4 were any legal risks to you for using USA Flag?</p> <p>5 A. Prior to this, I think USA Football</p> <p>6 had sent us a cease-and-desist in 2020, which is</p> <p>7 actually what led to this agreement. So I</p> <p>8 understood that USA Football did not want us to</p> <p>9 use the USA Flag name. But we'd also had many</p> <p>10 discussions where we reiterated that we did not</p> <p>11 feel like that their desire was accurate. We</p> <p>12 just disagreed.</p> <p>13 But instead of resorting to legal</p> <p>14 matters at the time, I -- I went to our lawyers</p> <p>15 and was, like, Can we just discuss. I mean, can</p> <p>16 we have a conversation with them. There's so</p> <p>17 many mutually beneficial ways that we can still</p> <p>18 collaborate I felt like.</p> <p>19 So we set up a call, talked through</p> <p>20 it, and we decided to work together. And as part</p> <p>21 of that arrangement, we knew that their desire</p> <p>22 was for us to not use the USA Flag brand. And at</p> <p>23 the time we were not using it extensively, so we</p> <p>24 agreed to just kind of table it for a year until</p> <p>25 we figured this out.</p>

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<p>177</p> <p>1 changed it.</p> <p>2 (Exhibit 94 was marked.)</p> <p>3 Q. Okay. This is Exhibit Number 94.</p> <p>4 This is USAFB 827. This is another text exchange</p> <p>5 that I also believe is between you and Mr. Mayes,</p> <p>6 but take a look and let me know if you think that</p> <p>7 seems right. But the one I want to ask about is</p> <p>8 the dark bubble at the bottom, which is you --</p> <p>9 A. Yep.</p> <p>10 Q. -- on February 28th saying: FYI,</p> <p>11 this isn't us but may want to have your legal</p> <p>12 team take a look.</p> <p>13 And you're sending a link to -- it's</p> <p>14 a little bit obscured -- but I think it says</p> <p>15 Usaflagtournaments.com.</p> <p>16 Do you see that?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. What's Usaflagtournaments.com?</p> <p>19 A. I'm not sure. It was sent to us.</p> <p>20 Q. By whom?</p> <p>21 A. I don't remember. I just remember</p> <p>22 someone sending it to us and saying, Hey, these</p> <p>23 guys are trying to look like you, and being that</p> <p>24 USA Football had been all over us about our</p> <p>25 brand, we felt like they would want to know.</p>	<p>179</p> <p>1 thought USA Football should know about it since</p> <p>2 they were so obviously into protecting their</p> <p>3 brand that they would send us cease-and-desist as</p> <p>4 a good partner. So at this time, we were still</p> <p>5 currently partners, I believe, yeah.</p> <p>6 Q. So you knew that protecting the brand</p> <p>7 is something that's really important to</p> <p>8 USA Football?</p> <p>9 A. I think it's important to everybody.</p> <p>10 Q. Do you know if USA Football did</p> <p>11 anything --</p> <p>12 A. I don't.</p> <p>13 Q. -- about that? Okay.</p> <p>14 A. I would like to know.</p> <p>15 Q. Tell me about -- I learned something</p> <p>16 yesterday that maybe I should have known before</p> <p>17 but I didn't --</p> <p>18 A. Okay.</p> <p>19 Q. -- which is that USA Flag is planning</p> <p>20 to have its own National Team.</p> <p>21 A. Yeah, it's one of the many ideas that</p> <p>22 we have, and this one is one that I think we will</p> <p>23 eventually roll out in some capacity.</p> <p>24 Q. Tell me about that.</p> <p>25 MR. HAYNES: Objection. Form.</p>
<p>178</p> <p>1 Q. So that they could do what?</p> <p>2 A. Whatever they wanted to do with it.</p> <p>3 I don't know.</p> <p>4 Q. Were you comfortable with them</p> <p>5 potentially asserting intellectual property</p> <p>6 rights with respect to Usaflagtournaments.com?</p> <p>7 A. If they felt like they needed to. I</p> <p>8 just was letting them know.</p> <p>9 Q. Did you do anything to assert any</p> <p>10 legal rights with respect to</p> <p>11 Usaflagtournaments.com?</p> <p>12 A. Did not.</p> <p>13 Q. Did you evaluate whether to do that?</p> <p>14 A. I don't remember. I don't know. I</p> <p>15 mean, we probably informally.</p> <p>16 Q. Okay. Well, I'm trying to figure out</p> <p>17 why you think USA Football would be concerned</p> <p>18 about Usaflagtournaments.com?</p> <p>19 A. I'm trying to remember as well. I</p> <p>20 believe there's I saw on the website that was</p> <p>21 egregious, but I don't really remember what it</p> <p>22 was that made me think that they were</p> <p>23 intentionally trying to look like USA Football.</p> <p>24 Like, I don't remember. I feel like it was their</p> <p>25 logo or something in their wording, and I just</p>	<p>180</p> <p>1 A. It's really not a whole lot to talk</p> <p>2 about. We want to have a team that we can call</p> <p>3 the USA Flag National that will represent our</p> <p>4 player base that would travel and represent our</p> <p>5 brand in different tournaments. We feel like</p> <p>6 it's a good value to players, it's something we</p> <p>7 can promote and that they would enjoy, and it</p> <p>8 would be a good value add to the sport to</p> <p>9 continue growing and develop high-level</p> <p>10 competition.</p> <p>11 Q. Why is that a value add to the sport?</p> <p>12 A. It just gives a competitive nature</p> <p>13 when we travel overseas, especially Mexico and</p> <p>14 other places, it just -- it brings some value.</p> <p>15 They just want to be -- our brand, USA Flag, is</p> <p>16 known in our space, and so a team representing</p> <p>17 that is welcomed and it just is a -- is a cool</p> <p>18 factor for them.</p> <p>19 Q. Cool factor for them or for you?</p> <p>20 A. Both, you know.</p> <p>21 Q. What would be the upside for you?</p> <p>22 A. For a National Team?</p> <p>23 Q. Sure.</p> <p>24 A. I mean, long term in preparing with</p> <p>25 the idea that, like, we would love to be in the</p>

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181	<p>1 discussion meaning, you know, to manage the</p> <p>2 Olympic team. So there's definitely a part of it</p> <p>3 that is us kind of preparing for that, knowing</p> <p>4 that we can do it, getting our ducks in a row and</p> <p>5 everything else.</p> <p>6 The players love it because they get</p> <p>7 to be recognized, they get to be part of</p> <p>8 something bigger. And then the teams that are</p> <p>9 especially internationally located enjoy it</p> <p>10 because feels like a more official capacity that</p> <p>11 they want to do and it's representing our brand.</p> <p>12 Q. Okay. So that's interesting to me.</p> <p>13 So your view is that creating your</p> <p>14 own National Team that hasn't ever existed before</p> <p>15 will actually make it more likely that you will</p> <p>16 be considered to be, what, the NGB?</p> <p>17 A. No, I don't believe so. I don't</p> <p>18 believe that that's necessary until after you</p> <p>19 become NGB if you really needed to. That's not</p> <p>20 -- that's not -- that's not our goal is to use it</p> <p>21 for NGB status, no.</p> <p>22 Q. Okay. Then I misunderstood because</p> <p>23 that's what I thought you were saying, that it</p> <p>24 would --</p> <p>25 A. No.</p>	183	<p>1 A. Honestly, we've probably had this</p> <p>2 idea since the beginning. We just -- it's a</p> <p>3 difficult idea to execute without funding or, you</p> <p>4 know, doing it the right way, and we don't like</p> <p>5 to have way do things. So we -- we have a lot of</p> <p>6 ideas that we just don't roll out right away that</p> <p>7 we're waiting for the right opportunity that</p> <p>8 makes sense to us.</p> <p>9 Q. Is there something about this moment</p> <p>10 in time that makes it feel like the right moment</p> <p>11 to roll it out?</p> <p>12 A. Particularly, yeah. I mean, the</p> <p>13 importance of Olympics, the athletes that are</p> <p>14 coming out, the more talk and the high-level</p> <p>15 athletes that want to get involved, there's</p> <p>16 plenty of opportunity, plenty of people who want</p> <p>17 to try it out and want to -- want to play and be</p> <p>18 a part of something bigger, yeah.</p> <p>19 Q. How will you distinguish USA Flag</p> <p>20 National Team from the USA Football National</p> <p>21 Team?</p> <p>22 A. I -- I don't know that we will do</p> <p>23 anything in particular one way or the other. I</p> <p>24 don't know that we need to.</p> <p>25 Q. Not aware of any legal risks with</p>
182	<p>1 Q. -- that you wanted to do it to kind</p> <p>2 of show that you could do it basically?</p> <p>3 A. Not to show. To just prepare</p> <p>4 ourselves.</p> <p>5 Q. Prepare for what is what I'm asking?</p> <p>6 A. For the potential that we would do</p> <p>7 that officially in an official capacity for the</p> <p>8 Olympics.</p> <p>9 Q. To do what official?</p> <p>10 A. Prepare a National Team, a Team USA</p> <p>11 specifically in that case.</p> <p>12 Q. As the NGB or in some other role?</p> <p>13 A. Potentially as the NGB, yeah. Or as</p> <p>14 part of our partnership with USA Football where</p> <p>15 we would manage that.</p> <p>16 Q. Is it kind of like a credential that</p> <p>17 you would like to have that -- that you have and</p> <p>18 can field and compete with a National Team?</p> <p>19 A. No. It's -- it's just the act of</p> <p>20 doing it, just -- just getting it in part of our</p> <p>21 program, just making it natural. Having --</p> <p>22 having that as a -- is just what we do. I mean,</p> <p>23 whether or not we are the official Olympic</p> <p>24 National Team, there's value.</p> <p>25 Q. When did this idea come about?</p>	184	<p>1 having something called a USA Flag National Team</p> <p>2 in a space where there's a USA Football National</p> <p>3 Team?</p> <p>4 A. In a space where there's a USA</p> <p>5 everything National Team, I don't believe that</p> <p>6 that's a risk, no. I mean, it -- it's always a</p> <p>7 risk to another organization, anybody can sue</p> <p>8 anybody for anything. I don't believe we are</p> <p>9 setting ourselves up to be in bad position,</p> <p>10 especially with trademarks. So no, I don't.</p> <p>11 Q. What have you done to evaluate that</p> <p>12 risk?</p> <p>13 A. Evaluate the risk of you coming after</p> <p>14 us or is another group coming after us?</p> <p>15 Q. You said, I don't believe it's risk</p> <p>16 to proceed, and I want to know how you've reached</p> <p>17 that conclusion?</p> <p>18 A. Just research and communication just</p> <p>19 -- I believe is the opinion we came to. And I</p> <p>20 don't believe it's not a risk. I believe that</p> <p>21 it's worth the risk, if it is a risk at all.</p> <p>22 Q. Is it your view -- back to this</p> <p>23 concept of everybody knows, is it your view that</p> <p>24 everybody will know that the USA Flag National</p> <p>25 Team is different from the USA Football National</p>

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<p>209</p> <p>1 12 team athletes is a different story, so it will</p> <p>2 be a part of the program that we have planned if</p> <p>3 we ever develop like a National Team-type</p> <p>4 program.</p> <p>5 Q. Not be required -- it's not required</p> <p>6 by whom?</p> <p>7 A. What did -- I don't know.</p> <p>8 Q. You said drug testing is not</p> <p>9 required?</p> <p>10 A. By us, currently. I don't know,</p> <p>11 maybe that's what I meant. But for our entire</p> <p>12 operation, for every tournament that we do, as</p> <p>13 far as I know, I don't know of anybody who does</p> <p>14 that in any sport for like all of their</p> <p>15 constituents, other than the ones who are</p> <p>16 representing their National Team. I don't know</p> <p>17 for sure. There could be. I don't know.</p> <p>18 Q. And your view is that you're the</p> <p>19 governing body for your events?</p> <p>20 A. For our players and our events, yes.</p> <p>21 Q. And so the decider on whether</p> <p>22 there's, for example, drug testing at your events</p> <p>23 is you?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Do you understand that</p>	<p>211</p> <p>1 Q. -- in the back of the document.</p> <p>2 But this is an email exchange with</p> <p>3 Merrill Squires from --</p> <p>4 A. Okay, yeah.</p> <p>5 Q. -- Accelerated Growth Partners.</p> <p>6 Tell me from your perspective what</p> <p>7 the NFL deal referenced in this email exchange</p> <p>8 was.</p> <p>9 A. Am I allowed to reference my what I</p> <p>10 heard yesterday? I don't know this whole</p> <p>11 exhibit.</p> <p>12 Q. Yeah. Did he get it right?</p> <p>13 A. I believe so, yes. I couldn't</p> <p>14 remember either what NFL -- because we weren't</p> <p>15 dealing with the NFL directly at that point. And</p> <p>16 then -- so I'll look through it. But I do</p> <p>17 believe that it was with reference to us working</p> <p>18 with NFL Flag is what it was talking about.</p> <p>19 Q. Okay. And did this -- that's really</p> <p>20 what I want to know is whether this email</p> <p>21 exchange somehow documents some kind of earlier</p> <p>22 than 2022 direct interaction between you-all and</p> <p>23 the NFL and it sounds like no.</p> <p>24 A. Correct, that we would not have had</p> <p>25 any direct interaction at that time.</p>
<p>210</p> <p>1 USA Football is subject to different</p> <p>2 requirements?</p> <p>3 A. I believe that they have different --</p> <p>4 I'm sure they do as part of whatever the</p> <p>5 rights -- or rights holder or whatever they</p> <p>6 called it -- rights -- recognized sport. Sorry.</p> <p>7 Yeah, I'm sure that there are. I don't know what</p> <p>8 they are exactly. But I know that there are</p> <p>9 stricter requirements as well when you get into</p> <p>10 the Olympics and all that.</p> <p>11 Q. Okay. I want to show you --</p> <p>12 MS. RICCHIUTO: Will your assistant</p> <p>13 interrupt us? Do we need to --</p> <p>14 MR. HAYNES: Yeah. We -- so -- off</p> <p>15 the record just a half second. We don't have to</p> <p>16 go off the video.</p> <p>17 (Discussion off the record.)</p> <p>18 MS. RICCHIUTO: And we'll go back on.</p> <p>19 Q. (BY MS. RICCHIUTO) This is -- if you</p> <p>20 find in your pile, Exhibit Number 46,</p> <p>21 Mr. Burnett. This is the email exchange that I</p> <p>22 looked at with Charles yesterday. It's the one</p> <p>23 that gets sort of whacky in terms of</p> <p>24 formatting --</p> <p>25 A. Okay.</p>	<p>212</p> <p>1 Q. Okay. And you didn't end up doing a</p> <p>2 deal with AGP?</p> <p>3 A. No, ma'am.</p> <p>4 Q. And haven't since then?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Who is -- we've -- everybody's</p> <p>7 mentioned him -- from your perspective, who's</p> <p>8 Izell Reese?</p> <p>9 A. He is -- I guess I don't know his</p> <p>10 exact title, but in charge, pretty much the point</p> <p>11 person for the NFL Flag project. He works for</p> <p>12 Reigning Champs, and they run the NFL Flag</p> <p>13 program underneath Roman and -- and Troy.</p> <p>14 Q. Are you aware of whether he has</p> <p>15 certain relationships with folks at the NFL?</p> <p>16 A. I am aware, yeah.</p> <p>17 Q. With whom?</p> <p>18 A. I know that he reports to Roman Oben</p> <p>19 -- what I've been told, that he reports to Roman</p> <p>20 Oben at NFL Operations, and I know he used to</p> <p>21 play in the NFL and has connections. I just</p> <p>22 don't know what to the extent.</p> <p>23 Q. Are you guys friendly?</p> <p>24 A. I thought we were until, you know,</p> <p>25 all the interactions and he kind of -- he had</p>

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<p>309</p> <p>1 Do you see that?</p> <p>2 A. Okay.</p> <p>3 Q. And because this is on the website,</p> <p>4 Chuck said only you could talk about it.</p> <p>5 A. Fair enough.</p> <p>6 Q. So I want to understand why</p> <p>7 there's -- what was the reason during the days</p> <p>8 between July 6th and July 13th in 2023 that you</p> <p>9 changed the language in Article 1 here?</p> <p>10 A. I mean, I believe you guys had raised</p> <p>11 concern about it, and I think we had talked about</p> <p>12 it internally, just decided that it was something</p> <p>13 that we could change and it wouldn't affect</p> <p>14 anything else that we were doing. So we were --</p> <p>15 went ahead and just -- just similar to how we had</p> <p>16 done before and made some changes if it meant</p> <p>17 appeasing somebody, that it didn't affect</p> <p>18 anything else negatively on our end.</p> <p>19 Q. Who was it supposed to appease?</p> <p>20 A. I don't remember if it was something</p> <p>21 that you guys raised or if it was in the suit or</p> <p>22 whatever, but I think we just decided that, you</p> <p>23 know, this is something that would be a -- a</p> <p>24 quick change, it doesn't really affect it. That</p> <p>25 doesn't mean that we agreed to it. We just</p>	<p>311</p> <p>1 A. Yes.</p> <p>2 Q. Now, neither of those are NGB. How</p> <p>3 long had the language -- the highlighted language</p> <p>4 in Exhibit 77 been on your website?</p> <p>5 A. We had hired a individual to write</p> <p>6 these for us. His name was Dave Ralston. It's</p> <p>7 been probably four or five years, he had written</p> <p>8 some of the rules and basically took our current</p> <p>9 rules, reformatted it, placed it in here, and we</p> <p>10 had kind of gone with most of his language for a</p> <p>11 while. I don't remember exactly when that was,</p> <p>12 but it had been several years, I believe.</p> <p>13 Q. Is there a reason why that gentleman</p> <p>14 who wrote these for you did not use the term</p> <p>15 "national governing body"?</p> <p>16 A. Probably. I don't know if that was</p> <p>17 something we directed him not to use because we</p> <p>18 were under the impression that was a official</p> <p>19 title that we didn't hold or -- or not or if he</p> <p>20 knew that himself. I don't remember having a</p> <p>21 conversation about it.</p> <p>22 Q. Okay. And then when USA Flag is</p> <p>23 referred to as the ultimate governing body, I</p> <p>24 think of "ultimate" as pretty prestigious?</p> <p>25 A. Sure.</p>
<p>310</p> <p>1 wanted to put in play so it doesn't cause any</p> <p>2 future issues if that was the problem.</p> <p>3 Q. It doesn't mean you agreed to it that</p> <p>4 you put it on your website?</p> <p>5 A. Doesn't mean we agreed to it that we</p> <p>6 changed it. Doesn't mean we agreed that it was</p> <p>7 wrong, just that it was something that we were</p> <p>8 willing to do if it meant that it would make</p> <p>9 another party happy.</p> <p>10 Q. It would make somebody happy?</p> <p>11 A. I would -- this is something that you</p> <p>12 guys put in there, so I would imagine that it</p> <p>13 would be something you guys don't want in there,</p> <p>14 so we changed it. I don't know. I don't</p> <p>15 remember what the exact reasoning was other than</p> <p>16 we decided that it was something we could change.</p> <p>17 Q. Do you remember in the complaint we</p> <p>18 just looked at, there was an allegation that</p> <p>19 USA Football calls itself the NGB and USA Flag</p> <p>20 doesn't?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And do you agree that on</p> <p>23 Exhibit 77, we've got "national governing</p> <p>24 organization" and "ultimate governing body"</p> <p>25 references; correct?</p>	<p>312</p> <p>1 Q. Is that the connotation that it has</p> <p>2 to you?</p> <p>3 A. I just -- I think it -- I guess you</p> <p>4 could say that. It depends on how you use it. I</p> <p>5 think we were utilizing in the form of like for</p> <p>6 our forms and styles of the sport, which very few</p> <p>7 people encompass all forms and styles of the</p> <p>8 sport, that we were the governing body that</p> <p>9 encompassed all of that, and ultimate being</p> <p>10 probably the highest level that we knew of, yeah.</p> <p>11 Q. Are you aware of whether or not</p> <p>12 today, as we sit here, on your website there</p> <p>13 continue to be use of -- usage of the language in</p> <p>14 77 in other places on your website?</p> <p>15 A. I'm not -- I am not aware personally.</p> <p>16 I'm not saying that there isn't. I don't know of</p> <p>17 any that I -- I can point to, though.</p> <p>18 Q. Do you remember when you made the</p> <p>19 change to this section of your website making any</p> <p>20 other changes?</p> <p>21 A. I don't. I don't remember making any</p> <p>22 other changes other than the article changes that</p> <p>23 we already discussed. I don't -- I don't know if</p> <p>24 there -- it's possible. I don't know.</p> <p>25 Q. Okay. And you're comfortable that</p>

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<p>313</p> <p>1 representing yourself as the ultimate overseeing 2 body and the ult- -- ultimate governing body and 3 self-appointed national governing organization 4 and -- I guess that's it -- that all of those 5 things are accurate and appropriate and 6 descriptive ways to hold yourself out to the 7 public? 8 MR. HAYNES: Objection. Form. 9 A. I do. 10 Q. Has USA Flag, other than in the Event 11 Collaboration Agreement, ever referred to 12 USA Football as the governing body? 13 A. I'm not sure. 14 (Exhibit 103 was marked.) 15 Q. This is Exhibit Number 103. This is 16 FFWCT 570. This is from August 8, 2017. It's 17 emails back and forth between you and Mike Solow 18 -- Salow (pronouncing) from Idea Harvest. Who's 19 Mike? 20 A. I do not remember. This doesn't even 21 look familiar to me. It's me that I'd -- yeah, 22 this isn't ringing a bell. 23 Q. Can I tell you what I think it is? 24 A. Yeah, sure. 25 Q. I think that a woman named maybe</p>	<p>315</p> <p>1 top of that email where you adopt his numbering, 2 and you say: It's a long story and a very 3 possible reality -- but a very possible reality 4 especially once we're aligned with USA Football 5 who is the official representative in the US for 6 American football, and flag football has been 7 recognized as an official possible Olympic sport. 8 Do you see that? 9 A. Uh-huh. 10 Q. At this time in 2017, you understood 11 that USA Football was the official representative 12 in the US for American football and flag 13 football? 14 MR. HAYNES: Objection. Form. 15 A. I believe that my context was that 16 USA Football was the official representative in 17 the US for American football. And then I said, 18 And flag football has been recognized as an 19 official possible Olympic sport. 20 I think at this time I still believed 21 that flag football still could be represented 22 separately. 23 Q. What do you think American football 24 means? 25 A. Tackle football.</p>
<p>314</p> <p>1 Ronna Cross -- 2 Do you know here? 3 A. Okay. That seems familiar. 4 Q. -- that she connected you with 5 Idea Harvest to assist you with putting together 6 your 2017 proposal to USA Football. 7 A. Oh, okay. 8 Q. Does that -- do you agree that that's 9 the situation? 10 A. I don't know because this is in 11 August. 12 Q. Yeah. 13 A. This one -- this would have been 14 after we had already -- well, I don't know, maybe 15 we hadn't met. I don't know. It's possible, 16 though. I haven't read through everything yet. 17 Q. Okay. Understood. And you are free 18 to look at anything you want to. The thing that 19 I want to ask you about is he asks you some 20 questions at the bottom of page 570. And they're 21 numbered questions, and one of them is Number 2, 22 Can you deliver the vision behind the purpose 23 statement on slide 5 and the business goals on 24 slide 6? 25 And you are giving responses at the</p>	<p>316</p> <p>1 Q. What's non-American football? 2 A. Well, there's soccer, there's other 3 versions of it, but typically when someone says 4 American football, they mean tackle football. 5 That's just -- from what I -- that's the way I 6 would think of it. I'm not saying everybody 7 else. 8 Q. So this is the time period when the 9 you thought that USA Football was only the 10 governing body for tackle; is that right? 11 A. I wouldn't say that I only thought 12 they are for tackle. Or I think I felt like that 13 their -- whether maybe flag was lumped in, but 14 there was an opportunity to have a separate 15 brand. Because my understanding was even at the 16 time on tackle, USA Football had to use third 17 parties to operate their NGB or their governing 18 body part, which I do know to be the case at 19 least from an event standpoint. So I think I 20 thought that was still a possibility on the flag 21 side. 22 Q. Is it USA Flag's goal to become 23 the IFAF member for America? 24 A. No, that's not one of our active 25 goals.</p>


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<p>413</p> <p>1 THE REPORTER: It's just not going to</p> <p>2 be page and line, that's the whole withdrawal.</p> <p>3 MS. RICCHIUTO: Yeah, I understand.</p> <p>4 MR. HAYNES: The position for now is</p> <p>5 we'd have to file it under seal. But if I can</p> <p>6 get a rough of whenever she gets the rough,</p> <p>7 I'll -- and if you can let me know -- it would</p> <p>8 be -- I guess it would be the stuff around what</p> <p>9 Mr. Sarvadi knows and doesn't know, et cetera,</p> <p>10 I'll look through it and I'll consult further.</p> <p>11 Mark's going to be out of the country</p> <p>12 starting tomorrow, so I'll have to make the</p> <p>13 decision myself. But I -- I'll -- I'll put due</p> <p>14 -- due diligence into considering whether that</p> <p>15 has to be put under seal or not.</p> <p>16 MS. RICCHIUTO: Well, then I would be</p> <p>17 willing to just tell you in advance here's what</p> <p>18 I'm planning on filing.</p> <p>19 MR. HAYNES: Okay.</p> <p>20 MS. RICCHIUTO: And then you can --</p> <p>21 so you're not trying to decide in a vacuum, or</p> <p>22 guessing --</p> <p>23 MR. HAYNES: Okay.</p> <p>24 MS. RICCHIUTO: -- I'm happy to tell</p> <p>25 you here's the segments I'm planning to file,</p>	<p>415</p> <p>1 time is 5:41 p.m. We're off the record.</p> <p>2 (Time noted - 5:41 p.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>414</p> <p>1 what's your position. I think that's the most</p> <p>2 straightforward with that.</p> <p>3 MR. HAYNES: Sure. That -- okay.</p> <p>4 MS. RICCHIUTO: And then you've got</p> <p>5 your other designation projects kind of at large,</p> <p>6 but specific to the motion --</p> <p>7 MR. HAYNES: Right.</p> <p>8 MS. RICCHIUTO: -- I'm very</p> <p>9 comfortable doing that.</p> <p>10 MR. HAYNES: And I did talk to Mark</p> <p>11 about going past the 26th for his deposition, and</p> <p>12 he said fine.</p> <p>13 MS. RICCHIUTO: If -- if -- if the</p> <p>14 NFL and/or Paul to be deposed.</p> <p>15 MR. HAYNES: Yes. Yes. Correct.</p> <p>16 Well, we'd already said Paul can be taken past</p> <p>17 the 26th, so the NFL -- NFL as well. So...</p> <p>18 MS. RICCHIUTO: Okay.</p> <p>19 MR. HAYNES: And I haven't -- I</p> <p>20 haven't asked what do you know. We can do that</p> <p>21 off the record.</p> <p>22 MS. RICCHIUTO: Do you -- okay.</p> <p>23 That's fine. I think we're good.</p> <p>24 THE VIDEOGRAPHER: This concludes the</p> <p>25 videotaped deposition of Travis Burnett. The</p>	<p>416</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE EASTERN DISTRICT OF TEXAS</p> <p>3 SHERMAN DIVISION</p> <p>4 USA FOOTBALL, INC.,)</p> <p>5)</p> <p>6 Plaintiff,)</p> <p>7) CIVIL ACTION</p> <p>8 VS.)</p> <p>9) NO.: 4:23-CV-00465</p> <p>10) and 4:23-CV-00561-ALM</p> <p>11 FFWCT, LLC; USA FLAG, LLC;)</p> <p>12 AND TRAVIS BURNETT,)</p> <p>13)</p> <p>14 Defendants.)</p> <p>15 REPORTER'S CERTIFICATION</p> <p>16 VIDEOTAPED ORAL DEPOSITION OF</p> <p>17 FFWCT, LLC AND USA FLAG, LLC</p> <p>18 BY AND THROUGH ITS DESIGNATED REPRESENTATIVE</p> <p>19 TRAVIS BURNETT</p> <p>20 APRIL 12, 2024</p> <p>21 I, Kim A. McCann, Certified Shorthand Reporter in</p> <p>22 and for the State of Texas, hereby certify to the</p> <p>23 following:</p> <p>24 That the witness, TRAVIS BURNETT, was duly sworn</p> <p>25 by the officer and that the transcript of the oral</p>

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<p style="text-align: right;">417</p> <p>1 deposition is a true record of the testimony given by the</p> <p>2 witness;</p> <p>3 I further certify that pursuant to FRCP Rule</p> <p>4 30(f)(1) that the signature of the deponent:</p> <p>5 _____ was requested by the deponent or a party</p> <p>6 before the completion of the deposition and returned</p> <p>7 within 30 days from date of receipt of the transcript.</p> <p>8 If returned, the attached Changes and Signature Page</p> <p>9 contains any changes and the reasons therefor;</p> <p>10 ___X___ was not requested by the deponent or a</p> <p>11 party before the completion of the deposition.</p> <p>12 That the amount of time used by each party at the</p> <p>13 deposition is as follows:</p> <p>14 MS. RICCHIUTO - 6 HOURS : 46 MINUTES</p> <p>15 I further certify that I am neither counsel for,</p> <p>16 related to, nor employed by any of the parties or</p> <p>17 attorneys in the action in which this proceeding was</p> <p>18 taken.</p> <p>19 Further, I am not a relative or employee of any</p> <p>20 attorney of record in this cause, nor do I have a</p> <p>21 financial interest in the action.</p> <p>22 Certified to by me this 19th day of April, 2024.</p> <p>23 </p> <p>24 _____</p> <p>25 Kim A. McCann, RMR, CRR, CSR</p>	
<p style="text-align: right;">418</p> <p>1 Texas CSR No. 5520</p> <p>2 Expiration Date: 10/31/2025</p> <p>3 Planet Depos Worldwide</p> <p>4 451 Hungerford Drive</p> <p>5 Suite 400</p> <p>6 Rockville, MD 20850</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	